

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX\_\_\_\_\_  
X

MARGARET CIVITILLO,

Plaintiff,

-against-

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW  
YORK and ST. HELENA SCHOOL

Defendant(s).

\_\_\_\_\_  
X

Date Index No. Purchased:

Index No.:

Plaintiff designates Bronx  
County as the place of trial.The basis of venue is  
Defendant's domicile.**SUMMONS**Plaintiff resides in East  
Windsor, New Jersey

The Above Named Defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

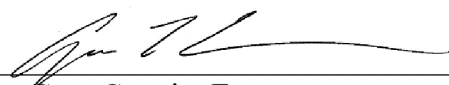
Dated: New York, New York  
August 14, 2019

Yours, etc.,



By: Adam P. Slater, Esq.  
SLATER SLATER SCHULMAN LLP  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(212) 922-0906

-and-

  
By: Gary Certain, Esq.  
CERTAIN & ZILBERG, PLLC  
*Counsel for Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(212) 687-7800

TO:

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK  
1011 1<sup>st</sup> Avenue  
New York, New York 10022

ST. HELENA SCHOOL  
2050 Benedict Avenue  
Bronx, New York 10462

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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MARGARET CIVITILLO,

Plaintiff,

-against-

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW  
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Defendant(s).

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**VERIFIED COMPLAINT**

JURY TRIAL DEMANDED

Plaintiff, Margaret Civitillo (“Plaintiff”), by her attorneys Slater Slater Schulman LLP and Certain & Zilberg, PLLC, brings this action against the Roman Catholic Archdiocese of New York and St. Helena School and alleges, on personal knowledge as to herself and on information and belief as to all other matters, as follows:

### **JURISDICTION AND VENUE**

1. This action is brought pursuant to the Children Victims Act (“CVA”) (L. 2019 c. 11). *See* CPLR §§ 30.10; 208(b); 214-g.

2. This Court has personal jurisdiction over Defendant the Roman Catholic Archdiocese of New York (“Diocese”) pursuant to CPLR §§ 301 and 302, in that the Diocese either resides in New York or conducts or, at relevant times, conducted activities in New York that give rise to the claims asserted herein.

3. This Court has personal jurisdiction over Defendant St. Helena School (“St. Helena”) pursuant to CPLR §§ 301 and 302, in that St. Helena either resides in New York or

conducts or, at relevant times, conducted activities in New York that give rise to the claims asserted herein.

4. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

5. Venue for this action is proper in the County of Bronx pursuant to CPLR § 503 in that one or more Defendants resides in this County and a substantial part of the events or omissions giving rise to the claims asserted herein occurred here.

### **PARTIES**

6. Plaintiff is a 64 year old individual residing in East Windsor, New Jersey. Plaintiff was an infant at the time of the sexual abuse alleged herein.

7. At all times material to the Verified Complaint, Diocese was and continues to be a non-profit religious corporation, organized exclusively for charitable, religious, and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.

8. At all times material to the Verified Complaint, Diocese was and remains authorized to conduct business under the laws of the State of New York.

9. At all times material to the Verified Complaint, Diocese's principal place of business is 1011 1st Avenue, New York, NY 10022.

10. The Diocese oversees a variety of liturgical, sacramental, and faith formation programs.

11. The Diocese has various programs that seek out the participation of children in its activities.

12. The Diocese, through its agents, servants, and/or employees has control over those activities involving children.

13. The Diocese has the power to employ individuals working with and/or alongside children within Defendant Diocese, including but not limited to those at St. Helena

14. At all times material to the Verified Complaint, St. Helena was a religious educational institution affiliated with, associated with, or operating under the control of the Diocese.

15. At all times material to the Verified Complaint, St. Helena was licensed to conduct business as a school in the State of New York and the City of New York.

16. At all times material to the Verified Complaint, St. Helena maintained its principal place of business at 2050 Benedict Avenue, Bronx, New York 10462.

17. At all times material to the Verified Complaint, Sister Raymond Patrick was an agent, servant, and/or employee of St. Helena.

18. At all times material to the Verified Complaint, Sister Mercedes was an agent, servant, and/or employee of St. Helena.

19. At all times material to the Verified Complaint, Sister Raymond Patrick was an agent, servant, and/or employee of the Diocese.

20. At all times material to the Verified Complaint, Sister Mercedes was an agent, servant, and/or employee of the Diocese.

21. At all times material to the Verified Complaint, while an agent, servant and/or employee of St. Helena, Sister Raymond Patrick remained under the control and supervision of the Diocese.

22. At all times material to the Verified Complaint, while an agent, servant and/or employee of St. Helena, Sister Mercedes remained under the control and supervision of the Diocese.

23. At all times material to the Verified Complaint, while an agent, servant and/or employee of St. Helena, Sister Raymond Patrick remained under the control and supervision of St. Helena.

24. At all times material to the Verified Complaint, while an agent, servant and/or employee of St. Helena, Sister Mercedes remained under the control and supervision of St. Helena.

25. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Sister Raymond Patrick remained under the control and supervision of the Diocese.

26. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Sister Mercedes remained under the control and supervision of the Diocese.

27. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Sister Raymond Patrick remained under the control and supervision of St. Helena.

28. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Sister Mercedes remained under the control and supervision of St. Helena.

29. St. Helena placed Sister Raymond Patrick in positions where she had immediate access to children.

30. St. Helena placed Sister Mercedes in positions where she had immediate access to children.

31. The Diocese placed Sister Raymond Patrick in positions where she had immediate access to children.

32. The Diocese placed Sister Mercedes in positions where she had immediate access to children.

**THE CATHOLIC CHURCH'S LONG HISTORY  
OF COVERING UP CHILD SEXUAL ABUSE**

33. In 1962, the Vatican in Rome issued a Papal Instruction binding upon all Bishops throughout the world including the Bishop of the Diocese. The instruction was binding upon the Bishop of the Diocese. The instruction directed that allegations and reports of sexual abuse of children by priests were required to be kept secret and not disclosed either to civil authorities such as law enforcement, to co-employees or supervisors of parish priests, or to parishioners generally.

34. Canon law requires Bishops to keep *subsecreto* files also known as confidential files. These files are not to be made public.

35. Because of problems of sexual misconduct of Catholic clergy, the Catholic Church and other organizations sponsored treatment centers for priests that had been involved in sexual misconduct, including centers in Albuquerque, New Mexico, Suitland, Maryland, Downingtown Pennsylvania, and Ontario, Canada.

36. Sexual abuse of clerics by Catholic clergy has been a reality in the Catholic Church for centuries but has remained covered by deep secrecy. This secrecy is rooted in the official policies of the Catholic Church which are applicable to all dioceses and in fact are part of the practices of each diocese, including the Diocese. Sexual abuse of minors by Catholic clergy and religious leaders became publicly known in the mid 1980's as a result of media coverage of a case in Lafayette, Louisiana. Since that time, the media has continued to expose cases of clergy sexual abuse throughout the United States. In spite of these revelations as well as the many criminal and civil litigations the Church has been involved in as a result of clergy sexual abuse of minors, the bishops and other Church leaders continued to pursue a policy of secrecy.

37. All of the procedures required in the so-called “Dallas Charter” to purportedly protect children have been previously mandated in the Code of Canon Law but were consistently ignored by Catholic bishops. In place of the required processes, which would have kept a written record of cases of clergy sexual abuse, the bishops applied a policy of clandestine transfer of accused priests from one local or diocesan assignment to another or from one diocese to another. The receiving parishioners and often the receiving pastors were not informed of any accusations of sexual abuse of minors.

38. The truth concerning the extent of the frequency of sexual abuse at the hands of Catholic priests and Catholic Church’s pervasive campaign to cover up such crimes continues to be revealed. In 2018, the State of Pennsylvania released a grand jury report releasing the name of over 300 “predator priests” in Pennsylvania alone who committed acts of sexual abuse on more than a thousand children, while also noting that there were “likely thousands more victims whose records were lost or who were too afraid to come forward.” The report’s opening remarks bear repeating here:

We, the members of this grand jury, need you to hear this. We know some of you have heard some of it before. There have been other reports about child sex abuse within the Catholic Church. But never on this scale. For many of us, those earlier stories happened someplace else, someplace away. Now we know the truth: it happened everywhere.

...

Most of the victims were boys; but there were girls too. Some were teens; many were prepubescent. Some were manipulated with alcohol or pornography. Some were made to masturbate their assailants or were groped by them. Some were raped orally, some vaginally, some anally. But all of them were brushed aside, in every part of the state, by church leaders who preferred to protect the abusers and their institution above all.

39. The 2018 grand jury report found numerous, pervasive strategies employed by the Catholic Church which the report referred to collectively as a “playbook for concealing the truth.” These measures include but are not limited to the following:



- Make sure to use euphemisms rather than real words to describe the sexual assaults in diocese documents. Never say “rape”; say “inappropriate contact” or “boundary issues.”
- Don’t conduct genuine investigations with properly trained personnel. Instead, assign fellow clergy members to ask inadequate questions and then make credibility determinations about the colleagues with whom they live and work.
- For an appearance of integrity, send priests for “evaluation” at church-run psychiatric treatment centers. Allow these experts to “diagnose” whether the priest was a pedophile, based largely on the priest’s “self-reports” and regardless of whether the priest had actually engaged in sexual contact with a child.
- When a priest does have to be removed, don’t say why. Tell his parishioners that he is on “sick leave,” or suffering from “nervous exhaustion.” Or say nothing at all.
- Even if a priest is raping children, keep providing him housing and living expenses, although he may be using these resources to facilitate more sexual assaults.
- If a predator’s conduct becomes known to the community, don’t remove him from the priesthood to ensure that no more children will be victimized. Instead, transfer him to a new location where no one will know he is a child abuser.
- Finally, and above all, don’t tell the police. Child sexual abuse, even short of actual penetration, is and has for all relevant times been a crime. But don’t treat it that way; handle it like a personnel matter, “in house.”

40. Refusal to disclose sexually abusing clerics to parishioners and even fellow clerics has been one way utilized by Defendant to maintain secrecy. Another has been to use various forms of persuasion on victims or their families to convince them to remain silent about incidents of abuse. These forms of persuasion have included methods that have ranged from sympathetic attempts to gain silence to direct intimidation to various kinds of threats. In so doing the clergy involved, from bishops to priests, have relied on their power to overwhelm victims and their families.

41. The sexual abuse of children and the Catholic Church's abhorrent culture of concealing these crimes are at the heart of the allegations complained of herein.

42. The Child Victims Act was enacted for the explicit purpose of providing survivors of child sexual abuse with the recourse to bring a private right of action against the sexual predators who abused them and the institutions that concealed their crimes.

### **FACTS**

43. Plaintiff was raised in a devout Roman Catholic family and, in or around 1965, when Plaintiff was approximately 10 years old, Plaintiff began attending St. Helena, a school within and under the auspices of the Diocese.

44. At all relevant times, Plaintiff participated in youth, educational, and/or religious activities at St. Helena.

45. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on St. Helena and Sister Raymond Patrick.

46. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on St. Helena and Sister Mercedes.

47. During and through these activities, St. Helena had custody of Plaintiff and accepted the entrustment of Plaintiff.

48. During and through these activities, St. Helena had responsibility of Plaintiff and authority over her.

49. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on the Diocese and Sister Raymond Patrick. During and through these activities, the Diocese had custody of Plaintiff and accepted the entrustment of Plaintiff.

50. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on the Diocese and Sister Mercedes. During and through these activities, the Diocese had custody of Plaintiff and accepted the entrustment of Plaintiff.

51. During and through these activities, the Diocese had responsibility of Plaintiff and authority over her.

52. Through her positions at, within, or for St. Helena, Sister Raymond Patrick was put in direct contact with Plaintiff, a student of St. Helena. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Sister Raymond Patrick, who used her position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

53. Through her positions at, within, or for St. Helena, Sister Mercedes was put in direct contact with Plaintiff, a student of St. Helena. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Sister Mercedes, who used her position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

54. Through her positions at, within, or for the Diocese, Sister Raymond Patrick was put in direct contact with Plaintiff, a student of St. Helena. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Sister Raymond Patrick, who used her position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

55. Through her positions at, within, or for the Diocese, Sister Mercedes was put in direct contact with Plaintiff, a student of St. Helena. It was under these circumstances that Plaintiff came to be under the direction, contact, and control of Sister Mercedes, who used her position of authority and trust over Plaintiff to sexually abuse and harass Plaintiff.

56. On numerous occasions, while Plaintiff was a minor, Sister Raymond Patrick, while acting as a teacher, counselor, advisor, mentor, trustee, director, officer, employee, agent,

servant and/or volunteer of St. Helena, sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

57. On numerous occasions, while Plaintiff was a minor, Sister Mercedes, while acting as a teacher, counselor, advisor, mentor, trustee, director, officer, employee, agent, servant and/or volunteer of St. Helena, sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

58. On numerous occasions, while Plaintiff was a minor, Sister Raymond Patrick, while acting as a teacher, counselor, advisor, mentor, trustee, director, officer, employee, agent, servant and/or volunteer of the Diocese, sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

59. On numerous occasions, while Plaintiff was a minor, Sister Mercedes, while acting as a teacher, counselor, advisor, mentor, trustee, director, officer, employee, agent, servant and/or volunteer of the Diocese, sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

60. The abuse occurred from approximately in or about from 1965 to 1966.

61. Plaintiff's relationship to St. Helena, as a vulnerable minor, student, parishioner and participant in school activities, was one in which Plaintiff was subject to St. Helena's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Sister Raymond Patrick's sexual abuse of her.

62. Plaintiff's relationship to St. Helena, as a vulnerable minor, student, parishioner and participant in school activities, was one in which Plaintiff was subject to St. Helena's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Sister Mercedes' sexual abuse of her.

63. Plaintiff's relationship to the Diocese, as a vulnerable minor, student, parishioner and participant in Church activities, was one in which Plaintiff was subject to the Diocese's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Sister Raymond Patrick's sexual abuse of her.

64. Plaintiff's relationship to the Diocese, as a vulnerable minor, student, parishioner and participant in Church activities, was one in which Plaintiff was subject to the Diocese's ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to report Sister Mercedes' sexual abuse of her.

65. At no time did the Diocese ever send an official, a member of the clergy, an investigator or any employee or independent contractor to St. Helena to advise the students or their parents, either verbally or through a school bulletin, that there were credible allegations against Sister Raymond Patrick and to request that anyone who saw, suspected or suffered sexual abuse to come forward and file a report with the police department. Rather, the Diocese remained silent.

66. At no time did the Diocese ever send an official, a member of the clergy, an investigator or any employee or independent contractor to St. Helena to advise the students or their parents, either verbally or through a school bulletin, that there were credible allegations against Sister Mercedes and to request that anyone who saw, suspected or suffered sexual abuse to come forward and file a report with the police department. Rather, the Diocese remained silent.

67. At all times material hereto, Sister Raymond Patrick was under the direct supervision, employ and/or control of St. Helena.

68. At all times material hereto, Sister Mercedes was under the direct supervision, employ and/or control of St. Helena.

69. At all times material hereto, Sister Raymond Patrick was under the direct supervision, employ and/or control of the Diocese.

70. At all times material hereto, Sister Mercedes was under the direct supervision, employ and/or control of the Diocese.

71. St. Helena knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of Sister Raymond Patrick, who sexually abused Plaintiff.

72. St. Helena knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of Sister Mercedes, who sexually abused Plaintiff.

73. The Diocese knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of Sister Raymond Patrick, who sexually abused Plaintiff.

74. The Diocese knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of Sister Mercedes, who sexually abused Plaintiff.

75. St. Helena negligently or recklessly believed that Sister Raymond Patrick was fit to work with children and/or that any previous problems he had were fixed and cured; that Sister Raymond Patrick would not sexually molest children; and that Sister Raymond Patrick would not injure children.

76. St. Helena negligently or recklessly believed that Sister Mercedes was fit to work with children and/or that any previous problems he had were fixed and cured; that Sister Mercedes would not sexually molest children; and that Sister Mercedes would not injure children.

77. The Diocese negligently or recklessly believed that Sister Raymond Patrick was fit to work with children and/or that any previous problems he had were fixed and cured; that Sister Raymond would not sexually molest children; and that Sister Raymond Patrick would not injure children.

78. The Diocese negligently or recklessly believed that Sister Mercedes was fit to work with children and/or that any previous problems he had were fixed and cured; that Sister Mercedes would not sexually molest children; and that Sister Mercedes would not injure children.

79. St. Helena had the responsibility to supervise and/or direct priests and other school educators and personnel serving at St. Helena and specifically had a duty not to aid a pedophile such as Sister Raymond Patrick by assigning, maintaining and/or appointing her to a position with access to minors.

80. St. Helena had the responsibility to supervise and/or direct priests and other school educators and personnel serving at St. Helena and specifically had a duty not to aid a pedophile such as Sister Mercedes by assigning, maintaining and/or appointing her to a position with access to minors.

81. The Diocese had the responsibility to supervise and/or direct priests and other school educators and personnel serving at St. Helena and specifically had a duty not to aid a pedophile such as Sister Raymond Patrick by assigning, maintaining and/or appointing her to a position with access to minors.

82. The Diocese had the responsibility to supervise and/or direct priests and other school educators and personnel serving at St. Helena and specifically had a duty not to aid a pedophile such as Sister Mercedes by assigning, maintaining and/or appointing her to a position with access to minors.

83. By holding Sister Raymond Patrick out as safe to work with children and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, St. Helena entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor and by St. Helena undertaking the care and guidance of the vulnerable minor Plaintiff, St. Helena held a position of empowerment over Plaintiff.

84. By holding Sister Mercedes out as safe to work with children and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, St. Helena entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor and by St. Helena undertaking the care and guidance of the vulnerable minor Plaintiff, St. Helena held a position of empowerment over Plaintiff.

85. By holding Sister Raymond Patrick out as safe to work with children and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, the Diocese entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor, and by the Diocese undertaking the care and guidance of the vulnerable minor Plaintiff, the Diocese held a position of empowerment over Plaintiff.

86. By holding Mercedes out as safe to work with children and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, the Diocese entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff's being a minor, and by the Diocese undertaking the care and guidance of the vulnerable minor Plaintiff, the Diocese held a position of empowerment over Plaintiff.

87. St. Helena, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented



the then minor Plaintiff from effectively protecting herself. St. Helena thus entered into a fiduciary relationship with Plaintiff.

88. The Diocese, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting herself. The Diocese thus entered into a fiduciary relationship with Plaintiff.

89. St. Helena had a special relationship with Plaintiff.

90. The Diocese had a special relationship with Plaintiff.

91. Sister Raymond Patrick owed Plaintiff a duty of reasonable care because St. Helena had superior knowledge about the risk that Sister Raymond Patrick posed to Plaintiff, the risk of abuse in general in its programs, and/or the risks that its facilities posed to minor children.

92. Sister Mercedes owed Plaintiff a duty of reasonable care because St. Helena had superior knowledge about the risk that Sister Mercedes posed to Plaintiff, the risk of abuse in general in its programs, and/or the risks that its facilities posed to minor children.

93. The Diocese owed Plaintiff a duty of reasonable care because the Diocese had superior knowledge about the risk that Sister Raymond Patrick posed to Plaintiff, the risk of abuse in general in its programs, and/or the risks that its facilities posed to minor children.

94. The Diocese owed Plaintiff a duty of reasonable care because the Diocese had superior knowledge about the risk that Sister Mercedes posed to Plaintiff, the risk of abuse in general in its programs, and/or the risks that its facilities posed to minor children.

95. St. Helena owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its

facilities and programs as being safe for children; held its agents including Sister Raymond Patrick out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Sister Raymond Patrick, to spend time with, interact with, and recruit children.

96. St. Helena owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Sister Mercedes out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Sister Mercedes, to spend time with, interact with, and recruit children.

97. The Diocese owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including, Sister Raymond Patrick out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Sister Raymond Patrick, to spend time with, interact with, and recruit children.

98. The Diocese owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents, including Sister Raymond Patrick out as safe to work with children; encouraged parents and children to spend time with its agents;

and/or encouraged its agents, including Sister Raymond Patrick to spend time with, interact with, and recruit children.

99. The Diocese owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents, including Sister Mercedes out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Sister Mercedes, to spend time with, interact with, and recruit children.

100. St. Helena owed Plaintiff a duty to protect Plaintiff from harm because St. Helena's actions created a foreseeable risk of harm to Plaintiff.

101. The Diocese owed Plaintiff a duty to protect Plaintiff from harm because the Diocese's actions created a foreseeable risk of harm to Plaintiff.

102. St. Helena's breach of its duties include but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risks of child sexual abuse, failure to properly train the workers at institutions and programs within St. Helena, geographical confines, failure to protect children in its programs from child sexual abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train its employees properly to identify signs of child molestation by

fellow employees, failure by relying on mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

103. The Diocese's breach of its duties include but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risks of child sexual abuse, failure to properly train the workers at institutions and programs within the Diocese, geographical confines, failure to protect children in its programs from child sexual abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train its employees properly to identify signs of child molestation by fellow employees, failure by relying on mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

104. St. Helena also breached its duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Sister Raymond Patrick posed and the risks of child sexual abuse by clerics and other church and school personnel.

105. St. Helena also breached its duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Sister Mercedes posed and the risks of child sexual abuse by clerics and other church and school personnel.

106. St. Helena also failed to warn Plaintiff about any of the knowledge that it had about child sexual abuse.

107. The Diocese also breached its duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Sister Raymond Patrick posed and the risks of child sexual abuse by clerics and other church and school personnel.

108. The Diocese also breached its duties to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Sister Mercedes posed and the risks of child sexual abuse by clerics and other church and school personnel.

109. The Diocese also failed to warn Plaintiff about any of the knowledge that it had about child sexual abuse.

110. St. Helena also violated a legal duty by failing to report known and/or suspected abuse of children by Sister Raymond Patrick and/or its other agents to the police and law enforcement.

111. St. Helena also violated a legal duty by failing to report known and/or suspected abuse of children by Sister Mercedes and/or its other agents to the police and law enforcement.

112. The Diocese also violated a legal duty by failing to report known and/or suspected abuse of children by Sister Raymond Patrick and/or its other agents to the police and law enforcement.

113. The Diocese also violated a legal duty by failing to report known and/or suspected abuse of children by Sister Mercedes and/or its other agents to the police and law enforcement.

114. By employing Sister Raymond Patrick at St. Helena and other facilities within the Diocese, the Diocese, through its agents, affirmatively represented to minor children and their families that Sister Raymond Patrick did not pose a threat to children, did not have a history of molesting children, that the Diocese did not know that Sister Raymond Patrick had a history of

molesting children, and that the Diocese did not know that Sister Raymond Patrick was a danger to children.

115. By employing Sister Mercedes at St. Helena and other facilities within the Diocese, the Diocese, through its agents, affirmatively represented to minor children and their families that Sister Mercedes did not pose a threat to children, did not have a history of molesting children, that the Diocese did not know that Sister Mercedes had a history of molesting children, and that the Diocese did not know that Sister Mercedes was a danger to children.

116. By employing Sister Raymond Patrick at St. Helena, St. Helena through its agents, affirmatively represented to minor children and their families that Sister Raymond Patrick did not pose a threat to children, did not have a history of molesting children, that St. Helena did not know that Sister Raymond Patrick had a history of molesting children, and that St. Helena did not know that Sister Raymond Patrick was a danger to children.

117. By employing Sister Mercedes at St. Helena, St. Helena through its agents, affirmatively represented to minor children and their families that Sister Raymond Patrick did not pose a threat to children, did not have a history of molesting children, that St. Helena did not know that Sister Raymond Patrick had a history of molesting children, and that St. Helena did not know that Sister Raymond Patrick was a danger to children.

118. St. Helena induced Plaintiff and Plaintiff's family to rely on these affirmations and did rely on them.

119. The Diocese has never publicly admitted the veracity of the allegations against Sister Raymond Patrick, warned the public and/or conducted outreach to potential victims of her sexual abuse. The pattern and practice of intentionally failing to disclose the identities and locations of sexually inappropriate and/or abusive clerics has been practiced by the Diocese for

decades and continues through current day. The failure to disclose the identities of allegedly sexually inappropriate and/or abusive teachers and clerics is unreasonable and knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of members of the public, including Plaintiff.

120. The Diocese has never publicly admitted the veracity of the allegations against Sister Mercedes, warned the public and/or conducted outreach to potential victims of her sexual abuse. The pattern and practice of intentionally failing to disclose the identities and locations of sexually inappropriate and/or abusive clerics has been practiced by the Diocese for decades and continues through current day. The failure to disclose the identities of allegedly sexually inappropriate and/or abusive teachers and clerics is unreasonable and knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of members of the public, including Plaintiff.

121. By allowing Sister Raymond Patrick to remain in active ministry, the Diocese, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff's family, that Sister Raymond Patrick does not pose a threat to children, does not have a history of molesting children, that the Diocese does not know that Sister Raymond Patrick has a history of molesting children and that the Diocese does not know that Sister Raymond Patrick is a danger to children.

122. By allowing Sister Mercedes to remain in active ministry, the Diocese, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff's family, that Sister Mercedes does not pose a threat to children, does not have a history of molesting children, that the Diocese does not know that Sister

Mercedes has a history of molesting children and that the Diocese does not know that Sister Mercedes is a danger to children.

123. The Diocese induced Plaintiff and Plaintiff's family to rely on these affirmations and they did rely on them.

124. By allowing Sister Raymond Patrick to remain in active ministry, St. Helena, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff's family, that Sister Raymond Patrick does not pose a threat to children, does not have a history of molesting children, that St. Helena does not know that Sister Raymond Patrick has a history of molesting children and that St. Helena does not know that Sister Raymond Patrick is a danger to children.

125. By allowing Sister Mercedes to remain in active ministry, St. Helena, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff's family, that Sister Mercedes does not pose a threat to children, does not have a history of molesting children, that St. Helena does not know that Sister Mercedes has a history of molesting children and that St. Helena does not know that Sister Mercedes is a danger to children.

126. As a result of Defendants' conduct described herein, Plaintiff has and will continue to suffer personal physical and psychological injuries, including but not limited to great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, problems sleeping, concentrating, low self-confidence, low self-respect, low self-esteem, feeling of worthlessness, feeling shameful, and embarrassed, feeling alone and isolated, losing faith in God, losing faith in authority figures, feeling estranged from the church, struggling with alcohol and substance problems, struggling with gainful employment and career advancement,



feeling helpless, and hopeless, problems with sexual intimacy, relationship problems, trust issues, feeling confused and angry, depression, anxiety, feeling dirty, used, and damaged, suicidal ideations, having traumatic flashbacks, feeling that her childhood and innocence was stolen, and feeling that her life was ruined. Plaintiff was prevented and will continue to be prevented from performing Plaintiff's normal daily activities; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and, on information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Defendants' misconduct, Plaintiff is unable at this time to fully describe all the details of that abuse and the extent of the harm Plaintiff suffered as a result.

127. St. Helena violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require, *inter alia*, school officials, teachers, day care center workers, providers of family or group family day care, and any other child care worker to report suspected cases of child abuse and impose liability for failure to report.

128. The Diocese violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require, *inter alia*, school officials, teachers, day care center workers, providers of family or group family day care, and any other child care worker to report suspected cases of child abuse and impose liability for failure to report.

129. The injuries and damages suffered by Plaintiff are specific in kind to Plaintiff special, peculiar, and above and beyond those injuries and damages suffered by the public.

**FIRST CAUSE OF ACTION: NEGLIGENCE**

130. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

131. St. Helena knew or was negligent in not knowing that Sister Raymond Patrick posed a threat of sexual abuse to children.

132. St. Helena knew or was negligent in not knowing that Sister Mercedes posed a threat of sexual abuse to children.

133. The Diocese knew or was negligent in not knowing that Sister Raymond Patrick posed a threat of sexual abuse to children.

134. The Diocese knew or was negligent in not knowing that Sister Mercedes posed a threat of sexual abuse to children.

135. The acts of Sister Raymond Patrick described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of her employment, appointment, and/or agency with St. Helena.

136. The acts of Sister Mercedes described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of her employment, appointment, and/or agency with St. Helena.

137. The acts of Sister Raymond Patrick described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of her employment, appointment, and/or agency with the Diocese.

138. The acts of Sister Mercedes described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of her employment, appointment, and/or agency with the Diocese.

139. St. Helena owed Plaintiff a duty to protect Plaintiff from Sister Raymond Patrick's sexual deviancy, both prior to and/or subsequent to Sister Raymond Patrick's misconduct.

140. St. Helena owed Plaintiff a duty to protect Plaintiff from Sister Mercedes's sexual deviancy, both prior to and/or subsequent to Sister Mercedes's misconduct.

141. The Diocese owed Plaintiff a duty to protect Plaintiff from Sister Raymond Patrick's sexual deviancy, both prior to and/or subsequent to Sister Raymond Patrick's misconduct.

142. The Diocese owed Plaintiff a duty to protect Plaintiff from Sister Mercedes's sexual deviancy, both prior to and/or subsequent to Sister Mercedes's misconduct.

143. St. Helena's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

144. The Diocese's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

145. At all times material hereto, with regard to the allegations contained herein, Sister Raymond Patrick was under the direct supervision, employ and/or control of St. Helena.

146. At all times material hereto, with regard to the allegations contained herein, Sister Mercedes was under the direct supervision, employ and/or control of St. Helena.

147. At all times material hereto, with regard to the allegations contained herein, Sister Raymond Patrick was under the direct supervision, employ and/or control of the Diocese.

148. At all times material hereto, with regard to the allegations contained herein, Sister Mercedes was under the direct supervision, employ and/or control of the Diocese

149. At all times material hereto, St. Helena's actions were willful, wanton, malicious, reckless, and outrageous in its disregard for the rights and safety of Plaintiff.

150. At all times material hereto, the Diocese's actions were willful, wanton, malicious, reckless, and outrageous in its disregard for the rights and safety of Plaintiff

151. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

152. By reason of the foregoing, Defendants jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

**SECOND CAUSE OF ACTION: NEGLIGENT HIRING, RETENTION, SUPERVISION,  
AND/OR DIRECTION**

153. Plaintiff repeats and realleges by reference each and every allegation set forth in paragraphs 1 through 152 as if fully set forth herein.

154. St. Helena hired Sister Raymond Patrick.

155. St. Helena hired Sister Mercedes.

156. The Diocese hired Sister Raymond Patrick.

157. The Diocese hired Sister Mercedes.

158. St. Helena hired Sister Raymond Patrick for a position that required her to work closely with, mentor, and counsel young boys and girls.

159. St. Helena hired Sister Mercedes for a position that required her to work closely with, mentor, and counsel young boys and girls.

160. Diocese hired Sister Raymond Patrick for a position that required her to work closely with, mentor, and counsel young boys and girls.

161. Diocese hired Sister Mercedes for a position that required her to work closely with, mentor, and counsel young boys and girls.

162. St. Helena was negligent in hiring Sister Raymond Patrick because it knew or should have known, through the exercise of reasonable care of Sister Raymond Patrick's propensity to develop inappropriate relationships with children in her charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

163. St. Helena was negligent in hiring Sister Mercedes because it knew or should have known, through the exercise of reasonable care of Sister Mercedes's propensity to develop inappropriate relationships with children in her charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

164. The Diocese was negligent in hiring Sister Raymond Patrick because it knew or should have known, through the exercise of reasonable care of Sister Raymond Patrick's propensity to develop inappropriate relationships with children in her charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

165. The Diocese was negligent in hiring Sister Mercedes because it knew or should have known, through the exercise of reasonable care of Sister Mercedes's propensity to develop inappropriate relationships with children in her charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

166. Sister Raymond Patrick would not and could not have been in a position to sexually abuse Plaintiff had she not been hired by St. Helena to teach, mentor and counsel children in St. Helena.

167. Sister Mercedes would not and could not have been in a position to sexually abuse Plaintiff had she not been hired by St. Helena to teach, mentor and counsel children in St. Helena.

168. Sister Raymond Patrick continued to molest Plaintiff while at St. Helena.

169. Sister Mercedes continued to molest Plaintiff while at St. Helena.

170. Sister Raymond Patrick would not and could not have been in a position to sexually abuse Plaintiff had she not been hired by Diocese to teach, mentor and counsel children in St. Helena.

171. Sister Mercedes would not and could not have been in a position to sexually abuse Plaintiff had she not been hired by Diocese to teach, mentor and counsel children in St. Helena.

172. Sister Raymond Patrick continued to molest plaintiff while at St. Helena.

173. Sister Mercedes continued to molest plaintiff while at St. Helena.

174. The harm complained of herein was foreseeable.

175. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of St. Helena in having placed Sister Raymond Patrick, and/or allowed Sister Raymond Patrick to remain in her position.

176. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of St. Helena in having placed Sister Mercedes, and/or allowed Sister Mercedes to remain in her position.

177. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of the Diocese in having placed Sister Raymond Patrick, and/or allowed Sister Raymond Patrick to remain in her position.

178. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of the Diocese in having placed Sister Mercedes, and/or allowed Sister Mercedes to remain in her position.

179. At all times while Sister Raymond Patrick was employed or appointed by St. Helena, she was supervised by St. Helena and/or its agents and employees.

180. At all times while Sister Mercedes was employed or appointed by St. Helena, she was supervised by St. Helena and/or its agents and employees.

181. At all times while Sister Raymond Patrick was employed or appointed by St. Helena, she was under the direction of, and/or answerable to, St. Helena and/or its agents and employees.

182. At all times while Sister Mercedes was employed or appointed by St. Helena, she was under the direction of, and/or answerable to, St. Helena and/or its agents and employees

183. At all times while Sister Raymond Patrick was employed or appointed by the Diocese, she was supervised by the Diocese and/or its agents and employees.

184. At all times while Sister Mercedes was employed or appointed by the Diocese, she was supervised by the Diocese and/or its agents and employees.

185. At all times while Sister Raymond Patrick was employed or appointed by the Diocese, she was under the direction of, and/or answerable to, the Diocese and/or its agents and employees.

186. At all times while Sister Mercedes was employed or appointed by the Diocese, she was under the direction of, and/or answerable to, the Diocese and/or its agents and employees.

187. St. Helena was negligent in its direction and/or supervision of Sister Raymond Patrick in that it knew or should have known, through the exercise of ordinary care that Sister Raymond Patrick's conduct would subject third parties to an unreasonable risk of harm, including Sister Raymond Patrick's propensity to develop inappropriate relationships with children under her charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

188. St. Helena was negligent in its direction and/or supervision of Sister Mercedes in that it knew or should have known, through the exercise of ordinary care that Sister Mercedes's

conduct would subject third parties to an unreasonable risk of harm, including Sister Mercedes's propensity to develop inappropriate relationships with children under her charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

189. St. Helena failed to take steps to prevent such conduct from occurring.

190. The Diocese was negligent in its direction and / or supervision of Sister Raymond Patrick in that it knew or should have known, through the exercise of ordinary care, that Sister Raymond Patrick's conduct would subject third parties to an unreasonable risk of harm, including Sister Raymond Patrick's propensity to develop inappropriate relationships with children under her charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

191. The Diocese was negligent in its direction and / or supervision of Sister Mercedes in that it knew or should have known, through the exercise of ordinary care, that Sister Mercedes's conduct would subject third parties to an unreasonable risk of harm, including Sister Mercedes's propensity to develop inappropriate relationships with children under her charge and to engage in sexual behavior and lewd and lascivious conduct with such children

192. The Diocese failed to take steps to prevent such conduct from occurring.

193. St. Helena was negligent in its retention of Sister Raymond Patrick in that that it knew, or should have known, of her propensity to develop inappropriate relationships with children under her charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

194. St. Helena was negligent in its retention of Sister Mercedes in that that it knew, or should have known, of her propensity to develop inappropriate relationships with children under her charge and to engage in sexual behavior and lewd and lascivious conduct with such children.



195. St. Helena retained Sister Raymond Patrick in her position as mentor and counselor to such children and thus left her in a position to continue such behavior.

196. St. Helena retained Sister Mercedes in her position as mentor and counselor to such children and thus left her in a position to continue such behavior.

197. The Diocese was negligent in its retention of Sister Raymond Patrick in that that it knew, or should have known, of her propensity to develop inappropriate relationships with children under her charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

198. The Diocese was negligent in its retention of Sister Mercedes in that that it knew, or should have known, of her propensity to develop inappropriate relationships with children under her charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

199. Archdiocese of New York retained Sister Raymond Patrick in her position as mentor and counselor to such children and thus left her in a position to continue such behavior.

200. Archdiocese of New York retained Sister Mercedes in her position as mentor and counselor to such children and thus left her in a position to continue such behavior.

201. St. Helena was further negligent in its retention, supervision, and/or direction of Sister Raymond Patrick in that Sister Raymond Patrick sexually molested Plaintiff on the premises of St. Helena.

202. St. Helena was further negligent in its retention, supervision, and/or direction of Sister Mercedes in that Sister Mercedes sexually molested Plaintiff on the premises of St. Helena.

203. St. Helena failed to take reasonable steps to prevent such events from occurring on its premises.

204. The Diocese was further negligent in its retention, supervision, and/or direction of Sister Raymond Patrick in that Sister Raymond Patrick sexually molested Plaintiff on the premises of the Diocese.

205. The Diocese was further negligent in its retention, supervision, and/or direction of Sister Mercedes in that Sister Mercedes sexually molested Plaintiff on the premises of the Diocese.

206. The Diocese failed to take reasonable steps to prevent such events from occurring on its premises.

207. Sister Raymond Patrick would not and could not have been in a position to sexually abuse Plaintiff had she not been negligently retained, supervised, and/or directed by St. Helena as a mentor and counselor to the infant parishioners and/or students of St. Helena, including Plaintiff.

208. Sister Mercedes would not and could not have been in a position to sexually abuse Plaintiff had she not been negligently retained, supervised, and/or directed by St. Helena as a mentor and counselor to the infant parishioners and/or students of St. Helena, including Plaintiff.

209. Sister Raymond Patrick would not and could not have been in a position to sexually abuse Plaintiff had she not been negligently retained, supervised, and/or directed by the Diocese as a mentor and counselor to the infant parishioners and/or students of the Diocese, including Plaintiff.

210. Sister Mercedes would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by the Diocese as a mentor and counselor to the infant parishioners and/or students of the Diocese, including Plaintiff.

211. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs

**THIRD CAUSE OF ACTION: BREACH OF FIDUCIARY DUTY**

212. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 211 as if fully set forth herein.

213. Through the position to which Sister Raymond Patrick was assigned by St. Helena, Sister Raymond Patrick was placed in direct contact with Plaintiff.

214. Through the position to which Sister Mercedes was assigned by St. Helena, Sister Mercedes was placed in direct contact with Plaintiff.

215. Sister Raymond Patrick was assigned as a nun and teacher at St. Helena, including as a teacher, principal, and/or guidance counselor assigned to teach Plaintiff.

216. Sister Mercedes was assigned as a nun and teacher at St. Helena, including as a teacher, principal, and/or guidance counselor assigned to teach Plaintiff.

217. It was under these circumstances that Plaintiff was entrusted to the care of St. Helena and—under its authority-came to be under the direction, control and dominance of Sister Raymond Patrick.

218. It was under these circumstances that Plaintiff was entrusted to the care of St. Helena and—under its authority-came to be under the direction, control and dominance of Sister Mercedes.

219. As a result, Sister Raymond Patrick used her position to sexually abuse and harass Plaintiff.

220. As a result, Sister Mercedes used her position to sexually abuse and harass Plaintiff.

221. Through the position to which Sister Raymond Patrick was assigned by the Diocese, Sister Raymond Patrick was put in direct contact with Plaintiff, then a minor.

222. Through the position to which Sister Mercedes was assigned by the Diocese, Sister Mercedes was put in direct contact with Plaintiff, then a minor.

223. As a result, Sister Raymond Patrick used her position to sexually abuse and harass Plaintiff.

224. As a result, Sister Mercedes used her position to sexually abuse and harass Plaintiff.

225. There existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and St. Helena.

226. There existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and the Diocese

227. Pursuant to its fiduciary relationship, St. Helena was entrusted with the well-being, care, and safety of Plaintiff.

228. Pursuant to its fiduciary relationship, the Diocese was entrusted with the well-being, care, and safety of Plaintiff.

229. Pursuant to its fiduciary relationship, St. Helena assumed a duty to act in the best interests of Plaintiff.

230. Pursuant to its fiduciary relationship, the Diocese assumed a duty to act in the best interests of Plaintiff.

231. St. Helena breached its fiduciary duties to Plaintiff.

232. The Diocese breached its fiduciary duties to Plaintiff.

233. At all times material hereto, St. Helena's actions and/or inactions were willful, wanton, malicious, reckless, and/or outrageous in its disregard for the rights and safety of Plaintiff.

234. At all times material hereto, the Diocese's actions and/or inactions were willful, wanton, malicious, reckless, and/or outrageous in its disregard for the rights and safety of Plaintiff.

235. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

236. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**FOURTH CAUSE OF ACTION: BREACH OF NON-DELEGABLE DUTY**

237. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 236 as if fully set forth herein.

238. Plaintiff, when she was a minor, was placed in the care of St. Helena for the purposes of, *inter alia*, providing Plaintiff with a safe environment to receive an education.

239. As a result, there existed a non-delegable duty of trust between Plaintiff and St. Helena.

240. When Plaintiff was a minor, Plaintiff was placed in the care of the Diocese for the purposes of, *inter alia*, providing Plaintiff with a safe environment to receive an education.

241. As a result, there existed a non-delegable duty of trust between Plaintiff and the Diocese.

242. Plaintiff was a vulnerable child when placed within the care of St. Helena.

243. Plaintiff was a vulnerable child when placed within the care of the Diocese.

244. Consequently, St. Helena was in the best position to prevent Plaintiff's abuse, and to learn of Sister Raymond Patrick's repeated sexual abuse of Plaintiff and stop it.

245. Consequently, St. Helena was in the best position to prevent Plaintiff's abuse, and to learn of Sister Mercedes's repeated sexual abuse of Plaintiff and stop it.

246. Consequently, the Diocese was in the best position to prevent Plaintiff's abuse, and to learn of Sister Raymond Patirck's repeated sexual abuse of Plaintiff and stop it.

247. Consequently, the Diocese was in the best position to prevent Plaintiff's abuse, and to learn of Sister Mercedes's repeated sexual abuse of Plaintiff and stop it.

248. By virtue of the fact that Plaintiff was sexually abused as a minor student entrusted to the care of St. Helena, St. Helena breached its non-delegable duty to Plaintiff.

249. By virtue of the fact that Plaintiff was sexually abused as a minor student entrusted to the care of the Diocese, the Diocese breached its non-delegable duty to Plaintiff.

250. At all times material hereto, Sister Raymond Patrick was under the direct supervision, employ and/or control of St. Helena.

251. At all times material hereto, Sister Mercedes was under the direct supervision, employ and/or control of St. Helena

252. At all times material hereto, Sister Raymond Patrick was under the direct supervision, employ and/or control of the Diocese.

253. At all times material hereto, Sister Mercedes was under the direct supervision, employ and/or control of the Diocese.

254. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

255. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**FIFTH CAUSE OF ACTION: BREACH OF DUTY IN LOCO PARENTIS**

256. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 255 as if fully set forth herein.

257. Plaintiff was a minor when her parents entrusted her to the control of St. Helena for the purpose of, *inter alia*, providing Plaintiff with an education.

258. St. Helena owed a duty to adequately supervise its students to prevent foreseeable injuries.

259. As a result, St. Helena owed a duty to Plaintiff *in loco parentis*.

260. Plaintiff was a minor when her parents entrusted her to the control of the Diocese for the purposes of, *inter alia*, providing Plaintiff with an education.

261. The Diocese owed a duty to adequately supervise its students to prevent foreseeable injuries.

262. As a result, the Diocese owed a duty to Plaintiff *in loco parentis*.

263. St. Helena breached its duty *in loco parentis*.

264. The Diocese breached its duty *in loco parentis*.

265. At all times material hereto, St. Helena's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.

266. At all times material hereto, the Diocese's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.

267. As a direct result of St. Helena's conduct, Plaintiff has suffered the injuries and damages described herein.

268. As a direct result of the Diocese's conduct, Plaintiff has suffered the injuries and damages described herein.

269. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**SIXTH CAUSE OF ACTION: INTENTIONAL INFLECTION OF  
EMOTIONAL DISTRESS**

270. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 269 as if fully set forth herein.

271. At the time Sister Raymond Patrick molested Plaintiff, which Sister Raymond Patrick knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, St. Helena employed Sister Raymond Patrick as Plaintiff's mentor and counselor.

272. At the time Sister Mercedes molested Plaintiff, which Sister Mercedes knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, St. Helena employed Sister Mercedes as Plaintiff's mentor and counselor.

273. It was part of Sister Raymond Patrick's job as role model and mentor to gain Plaintiff's trust. Sister Raymond Patrick used her position, and the representations made by St. Helena about her character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

274. It was part of Sister Mercedes's job as role model and mentor to gain Plaintiff's trust. Sister Mercedes used her position, and the representations made by St. Helena about her character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

275. At the time Sister Raymond Patrick molested Plaintiff, which Sister Raymond Patrick knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the Diocese employed Sister Raymond Patrick as Plaintiff's mentor and counselor.



276. At the time Sister Mercedes molested Plaintiff, which Sister Mercedes knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the Diocese employed Sister Mercedes as Plaintiff's mentor and counselor.

277. It was part of Sister Raymond Patrick's job as role model and mentor to gain Plaintiff's trust. Sister Raymond Patrick used her position, and the representations made by the Diocese about her character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff.

278. It was part of Sister Mercedes's job as role model and mentor to gain Plaintiff's trust. Sister Mercedes used her position, and the representations made by the Diocese about her character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate Plaintiff

279. St. Helena knew and/or disregarded the substantial probability that Sister Raymond Patrick's conduct would cause severe emotional distress to Plaintiff.

280. St. Helena knew and/or disregarded the substantial probability that Sister Mercedes's conduct would cause severe emotional distress to Plaintiff.

281. The Diocese knew and/or disregarded the substantial probability that Sister Raymond Patrick's conduct would cause severe emotional distress to Plaintiff.

282. The Diocese knew and/or disregarded the substantial probability that Sister Mercedes's conduct would cause severe emotional distress to Plaintiff.

283. Plaintiff suffered severe emotional distress, including psychological and emotional injury as described above.

284. This distress was caused by Sister Raymond Patrick's sexual abuse of Plaintiff.

285. This distress was caused by Sister Mercedes's sexual abuse of Plaintiff.

286. The sexual abuse of Plaintiff was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

287. St. Helena is liable for Sister Raymond Patrick's conduct under the doctrine of *respondeat superior*.

288. St. Helena is liable for Sister Mercedes's conduct under the doctrine of *respondeat superior*.

289. The Diocese is liable for Sister Raymond Patrick's conduct under the doctrine of *respondeat superior*.

290. The Diocese is liable for Sister Mercedes's conduct under the doctrine of *respondeat superior*.

291. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**SEVENTH CAUSE OF ACTION: NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS**

292. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 291 as if fully set forth herein.

293. As set forth at length herein, the actions of St. Helena, its predecessors and/or successors, agents, servants and/or employees, were conducted in a negligent and/or grossly negligent manner.

294. As set forth at length herein, the actions of the Diocese, its predecessors and/or successors, agents, servants and/or employees were conducted in a negligent and/or grossly negligent manner.

295. St. Helena's actions endangered Plaintiff's safety and caused her to fear for her own safety.

296. The Diocese's actions endangered Plaintiff's safety and caused her to fear for her own safety.

297. As a direct and proximate result of St. Helena's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

298. As a direct and proximate result of the Diocese's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

299. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, St. Helena is also liable for Sister Raymond Patrick's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

300. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, St. Helena is also liable for Sister Mercedes's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

301. At the time Sister Raymond Patrick breached her duty to Plaintiff, Sister Raymond Patrick was employed as Plaintiff's mentor and counselor by St. Helena.

302. At the time Sister Mercedes breached her duty to Plaintiff, Sister Mercedes was employed as Plaintiff's mentor and counselor by St. Helena.

303. It was part of Sister Raymond Patrick's job as teacher, advisor, role model and mentor to gain Plaintiff's trust. Sister Raymond Patrick used her position, and the representations made by St. Helena about her character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

304. It was part of Sister Mercedes's job as teacher, advisor, role model and mentor to gain Plaintiff's trust. Sister Mercedes used her position, and the representations made by St. Helena about her character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

305. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, the Diocese is also liable for Sister Raymond Patrick's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

306. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, the Diocese is also liable for Sister Mercedes's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

307. At the time Sister Raymond Patrick breached her duty to Plaintiff, Sister Raymond Patrick was employed as Plaintiff's mentor and counselor by the Diocese.

308. At the time Sister Mercedes breached her duty to Plaintiff, Sister Mercedes was employed as Plaintiff's mentor and counselor by the Diocese.

309. It was part of Sister Raymond Patrick's job as advisor, role model and mentor to gain Plaintiff's trust. Sister Raymond Patrick used her position, and the representations made by the Diocese about her character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

310. It was part of Sister Mercedes's job as advisor, role model and mentor to gain Plaintiff's trust. Sister Mercedes used her position, and the representations made by the Diocese about her character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

311. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

**EIGHTH CAUSE OF ACTION: BREACH OF STATUTORY DUTY TO REPORT  
ABUSE UNDER SOC. SERV. LAW §§ 413, 420**

312. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 310 as if fully set forth herein.

313. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, St. Helena, including but not limited to its teachers, administrators, and other school personnel had a statutorily imposed duty to report reasonable suspicion of abuse of children in its care.

314. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the Diocese, including but not limited to its teachers, administrators, and other personnel had a statutorily imposed duty to report reasonable suspicion of abuse of children in its care.

315. St. Helena breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Sister Raymond Patrick of children in its care.

316. St. Helena breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Sister Mercedes of children in its care.

317. The Diocese breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Sister Raymond Patrick of children in its care.

318. The Diocese breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Sister Mercedes of children in its care.

319. As a direct and/or indirect result of said conduct, Plaintiff has suffered injuries and damages described herein.

320. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

**WHEREFORE**, it is respectfully requested that the Court grant judgment in this action in favor of the Plaintiff, and against the Defendant[s], in a sum of money in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with all applicable interest, costs, disbursements, as well as punitive damages and such other, further and different relief as the Court in its discretion shall deem to be just, proper and equitable.

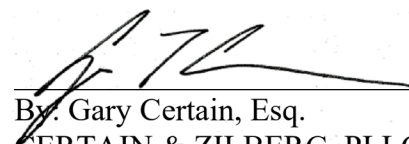
Plaintiff further places defendant(s) on notice and reserves the right that to interpose claims sounding in Fraudulent Concealment, Deceptive Practices and/or Civil Conspiracy should the facts and discovery materials support such claims.

DATED: New York, New York  
August 14, 2019



By: Adam P. Slater, Esq.  
SLATER SLATER SCHULMAN LLP  
*Counsel for Plaintiff*  
445 Broad Hollow Road - Suite 334  
Melville, New York 11747  
(631) 420-9300

-and-



By: Gary Certain, Esq.  
CERTAIN & ZILBERG, PLLC  
*Counsel for Plaintiff*  
488 Madison Avenue, 20th Floor  
New York, New York 10022  
(212) 687-7800

**ATTORNEY VERIFICATION**

Adam P. Slater, an attorney duly admitted to practice law in the Courts of the State of New York, hereby affirms the following statements to be true under the penalties of perjury, pursuant to Rule 2106 of the CPLR:


Your affirmant is a partner of Slater Slater Schulman LLP, attorneys for the Plaintiff in the within action;

That he has read the foregoing Complaint and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Affirmant further states that the source of his information and the grounds for his belief are derived from interviews with the Plaintiff and from the file maintained in the normal course of business.

Affirmant further states that the reason this verification is not made by the Plaintiff is that the Plaintiff is not presently within the County of New York, which is the county wherein the attorneys for the Plaintiff herein maintain their offices.

Dated: Melville, New York  
August 14, 2019

  
Adam P. Slater, Esq.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

\_\_\_\_\_  
MARGARET CIVITILLO, X

Plaintiff,

-against-

THE ROMAN CATHOLIC ARCHDIOCESE OF  
NEW YORK and ST. HELENA SCHOOL,

Defendants.

\_\_\_\_\_  
X

**SUMMONS & VERIFIED COMPLAINT**

Slater Slater Schulman LLP  
*Attorneys For Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022

\_\_\_\_\_  
(212)922-0906

Certain & Zilberg, PLLC  
*Attorneys For Plaintiff*  
488 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022

\_\_\_\_\_  
(212)687-7800

**CERTIFICATION**

Pursuant to 22 NYCRR §130-1.1-a, the undersigned, an attorney duly admitted to practice in the courts of the State of New York, certifies that, upon information and belief, and reasonable inquiry, the contentions contained in the annexed document are not frivolous as defined in subsection (c) of the aforesaid section.



\_\_\_\_\_  
Adam P. Slater, Esq.



\_\_\_\_\_  
Gary Certain, Esq.